

GOVERNMENT OF ANDHRA PRADESH
A B S R A C T

Social Welfare Department–Land Acquisition for House Sites – East Godavari District – Toorangi Village Kakinada Rural Mandal - Land Acquired to an extent of Ac.7.615 Cts in Sy.No.226/2 for provision of house sites to the weaker section people – Sanction of Rs.6,53,378/- towards balance of the decretal charges in LAOP No.317, 318, 326, 328 of 1987 – Orders- Issued.

SOCIAL WELFARE (LA1) DEPARTMENT

G.O Rt.No. 179

Dated: 15.03.2014

Read the following

1. From the District Collector, East Godavari Lr.No.G2/474/2009, dt24.7.2010.
2. From the Commissioner of Social Welfare, A.P., Hyderabad Lr.No.LA4/8366/2010, dated 30.8.2010.
3. From the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad Lr. No S2/142/2012, Dt : 07.08.2013

ORDER:

In the reference 3rd read above, the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has stated that the LAO/RDO, Kakinada has acquired land to an extent of Ac. 25.59 Cts in Sy. No ; 226/2 etc, situated at Toorangi Village of Kakinada Rural Mandal for providing of house sites to the weaker sections by passing Award Procs No : 43/1986, dated 29.03.1987 duly fixing the market value of Rs. 49,000/- per acre. On the reference made u/s. 18 of the LA Act, the Lower Court has issued orders dated 12.9.96 in OP. No: 317/87, 318/87, 326/87, 327/87 and 328/87, as follows :

1. The deductions of Rs. 43,800/- per acre from out of the market value awarded by the LAO, towards the estimated cost for leveling the site, to make it fit for construction of houses and conversion charges and layout charges is not proper.
2. The Claimants in all these OP's are entitled for the amount deducted on this count by the LAO, from out of the compensation amount awarded for the lands acquired from them under Awards No : 43/86 dt : 29.03.1987 together with solatium at 30% and Additional Market Value at 12% p.a. from 08.01.1987 to 28.01.1987 thereon.
3. The Claimants are also entitled for interest on the above said difference amount @ 9% p.a. from 28.01.1987 to 29.03.1987 , and @ 15% p.a. from 30.03.1987 till the date of reference and @ of 12% p.a. from the date of reference till the date of decree and @ 6% p.a. from the date of decree till the date of realization.

Aggrieved by the Lower Court orders the Claimants were filed AS. No 3725/2000, 3007/1999, 387/2000, 1387/2000, 3008/1999, before the Hon'ble High Court of AP, Hyderabad. The Hon'ble High Court in its Common orders dated 02.9.2009 has issued orders as follows :

“This Court doth order and decree that the Decree of Lower Court be and here by is confirmed and this Appeal dismissed. And this court doth further order and decree that there be no order as to costs in this Appeal”.

2. The Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that the Government Pleader for Appeals, A.P., High Court in his Lr. dt : 19.01.2010 has opined that, there are no grounds to prefer an appeal before Hon'ble Supreme Court and advised to comply the judgement of reference Court, to avoid payment of further interest. The District Collector, East Godavari has submitted proposals for sanction of Rs.6,53,928/- in OP Nos. 317(Ac.0.47), 318(Ac.1.33), 326(Ac.2.63)327(Ac.2.565) and 328 (Ac.0.62) of 1987 in Sy. No.226/2 etc., aggregating to total an extent of Ac 7-615 Cts situated at Toorangi Village, Kakinada Rural Mandal, of East Godavari District for providing house sites to poor.

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3. After verification and scrutiny of the proposals submitted by the Commissioner of Social Welfare/Dist Collector, East Godavari, the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent comparative calculation sheet for an amount of Rs. 6,53,378/-(Rupees Six Lakhs Fifty three thousand Three hundred and Seventy Eight only) towards payment of decretal charges in OP Nos. 317(Ac.0.47), 318(Ac.1.33), 326(Ac.2.63)327(Ac.2.565) and 328 (Ac.0.62) of 1987 in Sy. No : 226/2 etc., aggregating to total an extent of Ac 7-615 Cts situated at Toorangi Village, Kakinada Rural Mandal of East Godavari District for providing house sites to poor

4. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs. 6,53,378/-(Rupees Six Lakhs Fifty three thousand Three hundred and Seventy Eight only) to the District Collector, East Godavari towards payment of decretal charges in OP Nos. 317(Ac.0.47), 318(Ac.1.33), 326(Ac.2.63)327(Ac.2.565) and 328 (Ac.0.62) of 1987 in Sy. No : 226/2 etc., aggregating to total an extent of Ac 7-615 Cts situated at Toorangi Village Kakinada Rural Mandal, of East Godavari District for providing house sites to poor.

.5. The expenditure sanctioned in para (4) above shall be met within the BE.2013-14 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

5. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, East Godavari to comply with the Court orders in OP Nos. 317, 318, 326, 327 and 328 of 1987

6. The District Collector, East Godavari shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

7. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAMSHER SINGH RAWAT
SECRETARY TO GOVERNMENT(SW)

To
The Spl Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad
The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, East Godavari
Copy to:
The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The District Treasury Officer, East Godavari District.
Finance (Exp.SW/BG) Department
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER